

BOARD OF DENTISTRY
MINUTES
SPECIAL CONFERENCE COMMITTEE "C"

TIME AND PLACE: Special Conference Committee "C" convened on February 1, 2008, at 9:08 a.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Richmond, VA 23233.

APPROVAL OF MINUTES: Dr. Young moved to approve the minutes of the Special Conference Committee "C" meetings held on October 26, 2007 and December 14, 2007. The motion was seconded and passed.

FIRST CONFERENCE:

PRESIDING: James D. Watkins, D.D.S.

MEMBERS PRESENT: Glenn A. Young, D.D.S.

STAFF PRESENT: Alan Heaberlin, Deputy Director
Cheri Emma-Leigh, Operations Manager
Gail W. Ross, Adjudication Specialist

QUORUM: Both members of the Committee were present.

**HALEH MERRIKH,
D.M.D.
Case No. 111488** Haleh Merrikh, D.M.D. appeared with counsel, Kenneth T. Roeber, Esq., to discuss allegations that she may have violated laws and regulations governing the practice of dentistry, in that,

- 1a. On or about March 10, 2004, she diagnosed gross decay affecting teeth #13, 14, and 15, and indicated that Patient A complained of pain to hot/cold. She failed to perform a pulp vitality test or any other test to detect sensitivity to hot/cold; she performed three (3) pulpotomies on teeth #13, 14, and 15 in preparation for root canal treatment to be performed by an endodontist. Further, she failed to advise Patient A of alternative treatment options and failed to obtain informed consent prior to performing the pulpotomies.
- 1b. In or about April 2004, Dr. Merrikh completed core build ups and cemented crowns on teeth #13, 14 and 15, following root canal treatment. Furthermore, she failed to adequately prepare tooth #15 both occlusally and axially for the crown. Subsequently,

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in or about August 2004, when tooth #15 fractured, Patient A sought treatment by another dentist. Said dentist determined that tooth #15 had an inadequate reduction of the tooth structure both occlusally and axially, rendering the crown inadequate to withstand normal chewing forces or Patient A's reported bruxism. This dentist replaced the fractured crown with a properly fitting crown. Further, she did not adequately discuss alternative treatment options regarding the type of crowns to be placed and did not obtain Patient A's informed consent thereto prior to placing crowns.

2. Dr. Merrikh failed to retain a duplicate of an original laboratory work order for Patient A's crowns for teeth #13, 14, and 15, which she cemented in or about April 2004.

The Committee received statements from Dr. Merrikh and discussed the evidence in the case with her.

The Committee received statements from Hussein Salek-Nejad.

The Committee decided to hear Dr. Merrikh's next case before rendering a decision.

SECOND CONFERENCE:

PRESIDING: James D. Watkins, D.D.S.

MEMBERS PRESENT: Glenn A. Young, D.D.S.

STAFF PRESENT: Alan Heaberlin, Deputy Director
Cheri Emma-Leigh, Operations Manager
Virginia Board of Dentistry

QUORUM: Both members of the Committee were present.

**HALEH MERRIKH,
D.M.D.
Case No. 106800**

Haleh Merrikh, D.M.D. appeared with counsel, Fred M. Rejali, Esq., to discuss allegations that she may have violated laws and regulations governing the practice of dentistry, in that,

1. An unannounced inspection of her practice was conducted on April 18, 2006, at which time the Department of Health Professions' inspector noted:
 - a. Laboratory work orders for Patient A failed to

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include her address as the dentist requesting services.

- b. An updated health history was not maintained in the patient records for Patients B and C.
2. Dr. Merrikh failed to complete continuing education hours in recordkeeping following a deadline extension requested by her and agreed to by the Board.

The Committee received statements from Dr. Merrikh and discussed the evidence in the case with her.

Closed Meeting:

Dr. Young moved that the Committee convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate for the purpose of reaching a decision in the matter of Haleh Merrikh, D.M.D. Additionally, Dr. Young moved that Board staff, Alan Heaberlin and Cheri Emma-Leigh, and Administrative Proceedings Division staff, Gail Ross, attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations. The motion was seconded and passed.

Reconvene:

Dr. Young moved to certify that only matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Committee. The motion was seconded and passed.

The Committee reconvened in open session pursuant to § 2.2-3712(D) of the Code.

**DECISION:
Case No. 111488**

Dr. Watkins reported that the Committee determined that a violation of the Board's statutes and regulations was not established by clear and convincing evidence, and therefore, the case is dismissed. Dr. Young moved to adopt the decision of the Committee. The motion was seconded and passed.

**DECISION:
Case No. 106800**

Ms. Ross read the Findings of Fact and Conclusions of Law as adopted by the Committee as follows:

1. Dr. Merrikh holds a current Virginia dental license.
2. During an unannounced inspection of Dr. Merrikh's practice by a Department of Health Professions'

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Investigator, the following deficiencies were noted:

- a. Dr. Merrikh violated §§ 54.1-2706(9) and 54.1-2719.B(vi) of the Code and 18 VAC 60-20-15(8) of the Regulations, in that laboratory work orders for Patient A failed to include her address as the dentist requesting services.
- b. Dr. Merrikh violated § 54.1-2706(9) of the Code and 18 VAC 60-20-15(2) of the Regulations, in that an updated health history was not maintained in the patient records for Patients B and C.
3. Dr. Merrikh violated Term #1 of the Board's Order, in that she failed to complete continuing education hours in recordkeeping following a deadline extension requested by her and agreed to by the Board.

The sanctions reported by Ms. Ross were that Dr. Merrikh be issued a Reprimand and be assessed a monetary penalty of \$2,000.00.

As provided by law, this decision shall become a Final Order thirty days after service of such on Dr. Merrikh unless a written request to the Board for a formal hearing on the allegations made against her is received from Dr. Merrikh. If service of the Order is made by mail, three additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Committee shall be vacated.

ADJOURNMENT:

With all business concluded, the Committee adjourned at 10:47 a.m.

James D. Watkins, D.D.S., Chair

Sandra K. Reen, Executive Director

Date

Date